

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America,

v.

Jimmy Davis, Jr.,

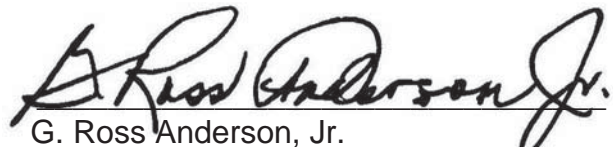
Defendant.

C/A No.: 6:09-cr-00566-GRA-5

**ORDER**  
(Written Opinion)

The Defendant moves this Court to “instruct the public [defender] assigned to [him] to assist [him] in the filing of the motion required for the relief based on substantial assistance.” ECF No. 467. There is no constitutional right to counsel in conjunction with Rule 35 proceedings. *See United States v. Taylor*, 414 F.3d 528, 536 (4th Cir. 2005). Also, there is no statutory right to counsel on a Rule 35 motion. *See United States v. Perry*, No. 05–CR–101, 2007 WL 2209253, \*1 (E.D. Wis. July 27, 2007) (“A post-conviction motion for a reduction of sentence under Rule 35 does not constitute an ancillary matter within the meaning of [18 U.S.C.] § 3006A(c).” (citing *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999); *United States v. Whitebird*, 55 F.3d 1007, 1010–11 (5th Cir. 1995)). Further, the court declines to exercise its discretion to appoint counsel. The motion is DENIED.

**IT IS THEREFORE ORDERED** that Defendant's Motion for Appointment of Counsel is DENIED.

  
G. Ross Anderson, Jr.  
Senior United States District Judge

March 17, 2015  
Anderson, South Carolina